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From: WALTZ David
Sent: Mon 3/18/2013 7:54:15 PM
Subject: FW: Mid-Coast TMDL - FYI - Stakeholder Request for Delay

MidCoast Team-

Just a reminder to consider Wayne's input in addressing stakeholder concerns with the Sediment (or other) approaches.

Cheers, David

From: Wayne Hoffman [mailto:(b) (6)] **On Behalf Of** MidCoast Watersheds Council
Sent: Friday, January 18, 2013 10:51 AM
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Odell

Subject: Re: Mid-Coast TMDL - FYI - Stakeholder Request for Delay

Hi -

I share some of the frustration of the stakeholder team members who submitted the letter requesting a delay in the development of MidCoast TMDLs. In particular I share some of their concern about the adequacy of some of the science being proposed for use.

However, I have trouble seeing the process as overly rushed, given that Congress added non-point-source authority to the Clean Water Act in 1987, and the Oregon Legislature passed SB 1010 in 1993. We have just passed the 25th anniversary of the 1987 re-authorization, and the 20th anniversary of SB1010 comes in a few months.

So, how can we proceed toward meaningful efforts to improve water quality with the levels of uncertainty described in the stakeholder letter?.

I think we need to begin by reminding ourselves of what is already known and what is decided.

1. We KNOW that many midcoast streams exceed the temperature standards. We know that these exceedences are based on data from temperature loggers placed in the streams according to a protocol approved by DEQ and EPA.

2. We KNOW that certain streams in the midcoast have exceeded the limits for bacteria. We KNOW that a subset of these streams have exceeded limits repeatedly. We know that these exceedences were documented by standard analyses of water samples collected according to protocols approved by DEQ and EPA.

3. We KNOW that some midcoast streams have been listed for excess fine sediments.

4. We KNOW that a few midcoast streams have been documented with Dissolved Oxygen levels below standards, some of them repeatedly. We know that these failures to meet standards were documented by standard analyses performed according to protocols approved by DEQ and EPA.

While many in the community and some on the stakeholder group have issues with the current standards, it is my understanding that the standards are matters of law, and not subject to modification through the current TMDL process.

Many on the stakeholder group, including me, have concerns with the scientific basis for various of the analyses and modeling efforts under way to go from listings to IR TMDLs. However, it appears to me that these analyses and models, flawed as they may be, are being applied to make implementation easier rather than more onerous. Consider temperature:

Concerns have arisen over the precision (or lack thereof) of the Heat Source model in replicating field data on stream temperatures. In my opinion, Heat Source has performed well enough to justify some, but not all proposed uses. In particular, for streams where temperature exceedences have been documented with loggers, it appears to me that Heat Source is adequate to identify stream segments as contributing more or less to the stream's heat load. The information it can provide on which segments do or do not experience topographic shade, and which ones are oriented for more or less direct solar exposure, can be useful in applying restoration efforts, even if Heat Source fails to replicate the temperature record to a precision of 0.3 degrees C.

I am concerned that in the absence of a tool like Heat Source, the default TMDL will specify that the whole stream network above a site of documented temperature exceedence will need to be put on an accelerated trajectory toward site-potential direct shading. Heat Source can mediate that specification by recognizing, for example, that stream segments with substantial topographic shading are lower priority for accelerated development of site-potential vegetation than more exposed segments. And in reality, estimating and achieving site-potential shade is an effort imprecise enough that predicting temperature response to 0.3 degrees C is overkill.

I see the sediment impairments as qualitatively different from the other parameters under consideration, because it does not have the standardized methodology for determining impairment. In my opinion, what is needed for sediment is a more robust, more direct way of measuring impaired conditions. The science presented here is directed more at determination of impairment, rather than apportioning contributions. The efforts on sediment are more comparable to the efforts, completed long ago, to work out the protocol for deploying temperature loggers. I am not impressed with the biocriteria approach, and I have proposed an alternative. However, even if I am successful in my attempts to use a different way of determining sediment impairment, we should still be able to proceed with using TMDLs to mandate efforts to alleviate the obvious anthropogenic sediment sources in the streams that are currently listed.

Wayne

----- Original Message -----

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[Turner Odell](#)

Sent: Wednesday, January 16, 2013 2:10 PM

Subject: Mid-Coast TMDL - FYI - Stakeholder Request for Delay

Greeting Mid-Coast Participants and Alternates -

DEQ has requested that we forward the attached letter to all Mid-Coast LSAC and TWG participants. The letter, requesting a delay in the Mid-Coast TMDL development process, was sent to DEQ from several Mid-Coast participants, along with an email requesting that it be shared with the full LSAC. If DEQ provides a formal response to, or comment on, this letter - either before, during, or after the upcoming TWG meetings - we will promptly forward that response or comment to the full Mid-Coast participant list.

Thanks, and please let us know if you have any questions or concerns.

- Turner and Peter

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